

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAPPER LABS INC.,

Plaintiff,

-v-

EMILY GOETZ AND JOHN DOES Nos 1 to 25,

Defendants.

21 Civ. 1289 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

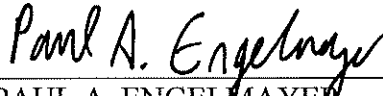
In this newly filed case, the Court has received an *ex parte* application from plaintiff Dapper Labs Inc. seeking a temporary restraining order (“TRO”) and a preliminary injunction (“PI”) enjoining defendants Emily Goetz and John Does Nos. 1 to 25 from using the FLOW mark in connection with the sale, offering for sale, advertising, marketing, and promoting of Flow Protocol Token so to prevent the erosion of the goodwill associated with plaintiff’s FLOW Mark. The Court declines to enter a temporary injunction without the benefit of a response from defendants. Insofar as plaintiff’s application reflects that the parties have had extended negotiations in advance of this application, entry of temporary relief on an *ex parte* basis is not merited or appropriate.

Plaintiff’s claims, however, appear substantial, and the Court intends to litigate plaintiff’s request for preliminary relief with dispatch. Accordingly, the Court orders that (1) plaintiff forthwith serve all papers submitted to the Court upon defendants, and file these on the docket of this case; (2) defendants file a response to plaintiff’s application by Wednesday, February 17, 2021, at 5 p.m.; and (3) plaintiff file any reply by Thursday, February 18, at 5 p.m.

The Court will convene a hearing on Friday, February 19, 2021 at 10 a.m., for the purpose of determining whether to enter preliminary relief. This hearing will be held telephonically. The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences.

The Court directs plaintiff to serve this order forthwith on defendants, and to file an affidavit reflecting service of this order on the docket of this case by noon on Tuesday, February 16, 2021.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 12, 2021
New York, New York